

REMARKS

Claims 1 and 3-10 are pending in the application. The Examiner rejected Claims 1, 3, 5-7, 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over Barrett et al. (U.S. 5,943,628) in view of McCarthy (US 5,373,548) and Kita (U.S. Patent 6,263,218). The Examiner rejected Claims 4 and 8 under 35 U.S.C. §103(a) as being unpatentable over Barrett et al. in view of McCarthy, Kita and further in view of "Novakov" (U.S. Patent 6,650,871) (It is respectfully submitted that the Examiner mistakenly refers to "Novakov" as the inventor of the '871 patent, when the '871 patent is in actuality Cannon et al.)

Barrett et al. discloses a radiotelephone proximity detector. McCarthy discloses an out-of-range warning system for a cordless telephone. Kita discloses an incoming calling system. Cannon et al. discloses a cordless RF range extension for wireless piconets.

Regarding Claims 1 and 10, each of these claims recites that the slave communication system is provided by a wearable earphone that includes a speaker and a microphone to facilitate hands-free communication. The Examiner states that the combination of Barrett et al. in view of McCarthy, and Kita teaches this element. However, Applicant respectfully submits that it is clear that none of the references, either alone or in combination, teach or suggest that the slave communication system is located in an earphone. Based on at least the foregoing, withdrawal of the rejections of Claims 1 and 10 is respectfully requested.

Regarding Claim 5, the claim has been amended to recite that a short range communication module is included in the earphone. As none of the cited references teaches or suggests a short range communication module in the earphone, the claim should be allowed. Based on at least the foregoing, withdrawal of the rejection of Claim 5 is respectfully requested.


Independent Claims 1, 5 and 10 are believed to be in condition for allowance. Without conceding the patentability *per se* of dependent Claims 3, 4 and 6-9, it is submitted that these dependent claims are allowable at least by virtue of their dependency upon their respective base claims. Withdrawal of the rejections of Claims 3, 4 and 6-9 is respectfully requested.

PATENT

Atty Docket: 678-533 (P9005)

Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner is requested to contact Applicant's attorney at the number given below.

Respectfully submitted,



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